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September  
Σεπτέμβριος

1984

Septembre  
Settembre

Memorandum of Understanding on Port State Control

In No. 8 of the present series, dated May 1978, we reproduced in full the "Agreement between certain maritime authorities on the maintenance of standards on merchant ships" in order to make available for discussion within the Community institutions the text of this agreement, which was concluded at administrative level outside the framework of the Community institutions on 2 March 1978. For the same reason we have now decided to reproduce the text of the "Agreement on port state control" of 26 January 1982. Although the Commission of the European Communities presented a proposal on this subject - "Proposal for a Council directive concerning the enforcement, in respect of shipping using Community ports, of international standards for shipping safety and pollution prevention" (Document COM (80) 360 final of 26 June 1980), which the European Parliament welcomed, whilst demanding that the text of the proposal should be thoroughly revised (Carossino report of 12 December 1980, Doc. 1-708/80, resolution of 16 January 1981, O.J. C 28/81 of 9.2.1981), and although the Council of the European Communities, at its meeting on 15 December 1981, adopted a decision on this subject (as usual this was not published, except in the form of a Press Release, 11770/81 Presse 169), the matter was dealt with outside the Community institutions by the "second regional conference of ministers" in Paris (in January 1982, the first regional conference of ministers on shipping safety having taken place on 1 and 2 December 1980). 14 European countries took part in this and the Commission of the European Communities also participated. There no longer seems to be any intention to incorporate the agreement into Community law.

The English and French versions of the text of the Memorandum are equally authentic.

There is no translation into the other Community languages of this Memorandum, which has been drawn up outside the Community Institutions. This document exists therefore only in English and French.

For translations of the foreword into the other Community languages see pages II to VII.

### Aftale om kontrol i havnestater

I nummer 8 af den foreliggende serie fra maj 1978 har vi gengivet ordlyden af "aftale mellem de forskellige skibsfartsmyndigheder om overholdelse af de tekniske forskrifter på handelsskibe", for derved at stille den fulde ordlyd af denne aftale, der blev indgået den 2. marts 1978 på administrativt plan og uden fællesskabsinstitutionernes medvirken til rådighed for drøftelser inden for fællesskabsinstitutionerne. Samme hensigt ligger nu til grund for en gengivelse af ordlyden af "aftale om kontrol i havnestater" fra 26. januar 1982. Selv om Kommissionen havde fremsat et forslag herom: "forslag til direktiv fra Rådet om anvendelse af internationale normer for sikkerhed for skibsfarten og forebyggelse af forurening, for så vidt angår skibe, der anløber Fællesskabets havne" (dok. KOM(80) 360 endel. af 26. juni 1980), som hilstes velkommen af Europa-Parlamentet, i hvilken forbindelse det dog krævede en grundig drøftelse af forslagets ordlyd (betænkningen af Carossino af 12. december 1980, dok. 1-708/80, beslutning af 16. januar 1981, EFT nr. C 28/81 af 9.2.1981), og selv om Rådet under sin samling den 15. december 1981 vedtog en resolution herom (efter sædvane ikke offentliggjort, bortset fra en "meddelelse til pressen", 11770/81 presse 169), blev sagen uden for Fællesskabets institutioner behandlet af den "anden regionale ministerkonference" i Paris (januar 1982); den første regionale ministerkonference om sikkerhed til søs fandt sted den 1. og 2. december 1980). I denne ordning deltager 14 europæiske lande, og Kommissionen har været inde i billedet. Der synes ikke mere at være planer om at vedtage fællesskabsbestemmelser på dette område.

De engelske og franske versioner af teksten har samme juridiske gyldighed.

Der findes ingen oversættelser til andre fællesskabssprog af denne aftale, som er etableret uden for Fællesskabernes rammer. Dokumentet foreligger derfor kun på fransk og engelsk.

Forord på de andre fællesskabssprog findes på siderne I - VII.

## Übereinkommen über Hafenstaat-Kontrolle

In der Nummer 8 der vorliegenden Reihe vom Mai 1978 haben wir den Text des "Übereinkommens zwischen verschiedenen Seeschiffahrtsbehörden über die Einhaltung der technischen Vorschriften auf Handelsschiffen" abgedruckt, um dadurch dieses am 2. März 1978 außerhalb der Institutionen der Gemeinschaft und auf Verwaltungsebene abgeschlossene Übereinkommen im vollen Wortlaut für die Diskussion innerhalb der Gemeinschaftsinstitutionen zur Verfügung zu stellen. Die gleiche Absicht führt jetzt zur Aufnahme des Textes des "Übereinkommens über Hafenstaat-Kontrolle" vom 26. Januar 1982. Obwohl die Kommission der EG einen diesbezüglichen Vorschlag vorgelegt hatte: "Vorschlag für eine Richtlinie des Rates über die Durchsetzung von internationalen Normen für die Sicherheit im Seeverkehr und die Verhütung von Meeresverschmutzung in Bezug auf den Schiffsverkehr in den Häfen der Gemeinschaft" (Dokument KOM (80) 360 endg. vom 26. Juni 1980), der vom Europäischen Parlament begrüßt wurde, wobei das Parlament jedoch eine gründliche Überprüfung des Vorschlagstextes forderte (Bericht Carossino vom 12. Dezember 1980, Dok. 1-708/80, EntschlieBung vom 16. Januar 1981, Abl. C 28/81 vom 9.2.1981), und obwohl der Rat der EG in seiner Tagung vom 15. Dezember 1981 eine EntschlieBung hierzu annahm (wie üblich nicht veröffentlicht, außer als "Mitteilung an die Presse", 11770/81 Presse 169), wurde die Angelegenheit außerhalb der Institutionen der Gemeinschaft durch die "zweite regionale Ministerkonferenz" in Paris (Januar 1982; die erste regionale Ministerkonferenz über die Sicherheit im Seeverkehr hatte am 1. und 2. Dezember 1980 stattgefunden) geregelt. An dieser Regelung sind vierzehn europäische Länder beteiligt, und die Kommission der EG hat daran mitgewirkt. Eine Umsetzung in Gemeinschaftsrecht scheint nicht mehr geplant zu sein.

Nur die englische und französische Fassung des Textes des Memorandums sind rechtskräftig.

Es gibt keine offizielle Übersetzung dieses Memorandums, das außerhalb der Gemeinschaftsinstitutionen angenommen wurde, in die anderen Gemeinschaftssprachen. Dieses Dokument existiert daher nur in Englisch und Französisch.

Übersetzungen des Vorworts in die anderen Gemeinschaftssprachen siehe Seiten I - VII.

Συμφωνία για την εποπτεία των λιμένων

Στο τεύχος 8 του Μαΐου 1978 της εν λόγω σειράς δημοσιεύθηκε το κείμενο της "Συμφωνίας μεταξύ των διαφόρων ναυτικών αρχών για την τήρηση των τεχνικών διατάξεων στα εμπορικά πλοία", ούτως ώστε να μπορέσει να συζητηθεί στο πλαίσιο των κοινοτικών οργάνων το πλήρες κείμενο αυτής της συμφωνίας που συνάφθηκε στις 2 Μαρτίου 1978 εκτός των κοινοτικών οργάνων και σε επίπεδο διοικήσεων. Η ίδια πρόθεση οδηγεί σήμερα στη δημοσίευση του κειμένου της "Συμφωνίας για την εποπτεία των λιμένων" της 26ης Ιανουαρίου 1982. Παρότι η Επιτροπή των Ευρωπαϊκών Κοινοτήτων είχε υποβάλει μια σχετική πρόταση, την "πρόταση για οδηγία του Συμβουλίου σχετικά με την εφαρμογή των διεθνών προδιαγραφών για την ασφάλεια στις θαλάσσιες μεταφορές και την πρόληψη της θαλάσσιας ρύπανσης από τη ναυσιπλοΐα στα λιμάνια της Κοινότητας" (Εγγραφο COM(80) 360 τελ. της 26ης Ιουνίου 1980) πρόταση που την κατόρθωσε της χαιρέτησε το Ευρωπαϊκό Κοινοβούλιο αλλά ζήτησε ωστόσο μια ουσιαστική επανεξέταση του κειμένου της (έκθεση CAROSSINO της 12ης Δεκεμβρίου 1980, έγγρ. 1-708/80, ψήφισμα της 16ης Ιανουαρίου 1981, ΕΞ.Ε. 28/81 της 9.2.1981), και παρότι το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων στη συνεδρίασή του της 15ης Δεκεμβρίου 1981 ενέκρινε ένα σχετικό ψήφισμα (το οποίο ως συνήθως δεν δημοσιεύθηκε αλλά υπάρχει μόνο ως "ανακοίνωση στον τύπο", 11770/81 τύπος 169), το θέμα ρυθμίστηκε τελικά εκτός των κοινοτικών οργάνων με τη "δεύτερη περιφερειακή διάσκεψη Υπουργών" στο Παρίσι (Ιανουάριος 1982). Η πρώτη περιφερειακή διάσκεψη Υπουργών για την ασφάλεια στις θαλάσσιες μεταφορές διεξήχθη την 1η και 2η Δεκεμβρίου 1980. Στη ρύθμιση αυτή συμμετέχουν δέκα τέσσερις ευρωπαϊκές χώρες, και η Επιτροπή των Ευρωπαϊκών Κοινοτήτων συνεργάσθηκε. Δεν φαίνεται να προγραμματίζεται η μεταφορά της στο κοινοτικό δίκαιο.

Το αγγλικό και το γαλλικό κείμενο του μνημονίου είναι επίσης αυθεντικά. Δεν υπάρχει μετάφραση στις άλλες κοινοτικές γλώσσες, του μνημονίου που συντάχθηκε έξω από τα κοινοτικά όργανα. Για τον λόγο αυτό, το κείμενο υπάρχει μόνο στα αγγλικά και γαλλικά. Για μεταφράσεις του προλόγου στις άλλες κοινοτικές γλώσσες, δες σελίδες I μέχρι VII.

## Mémorandum d'entente sur le contrôle des navires par l'Etat du port

Dans le numéro 8 de mai 1978 de la présente collection, nous avons reproduit le texte du "Mémorandum d'entente entre certaines autorités maritimes sur le maintien des normes à bord des navires de commerce" pour que le texte complet de cette convention conclue le 2 mars 1978 hors des institutions communautaires et au niveau des administrations puisse être débattu à l'intérieur des institutions communautaires. C'est la même intention qui nous pousse à publier le texte du "Mémorandum d'entente sur le contrôle des navires par l'Etat du port" du 26 janvier 1982. Bien que la Commission des Communautés européennes ait à ce propos présenté une proposition : "Proposition de directive concernant l'application, vis-à-vis des navires utilisant les ports de la Communauté, des normes internationales relatives à la sécurité des transports maritimes et à la prévention de la pollution" (document COM(80) 360 final du 26 juin 1980), dont le Parlement européen a salué le dépôt tout en demandant néanmoins une révision complète du texte proposé (rapport Carossino du 12 décembre 1980, doc. 1-708/80, résolution du 16 janvier 1981, JO n° C 28/81 du 9.2.1981), et bien que le Conseil de la Communauté ait adopté en sa réunion du 15 décembre 1981 une résolution sur cet objet (qui, comme de coutume, n'a pas été publiée, sauf comme "communiqué de presse", 11770/81 - Presse 169), ce problème a été réglé hors des institutions communautaires par la deuxième conférence régionale des ministres qui s'est tenue à Paris en janvier 1982 (la première conférence régionale des ministres sur la sécurité des transports maritimes avait eu lieu les 1er et 2 décembre 1980). Quatorze pays adhèrent à cette réglementation à laquelle la Commission de la CEE a collaboré. Il semble qu'il n'entre plus dans les intentions de la transposer dans la législation communautaire.

Aussi bien la version française que la version anglaise du texte de ce Mémorandum sont à considérer comme originaux.

Ce Mémorandum, rédigé en dehors des institutions communautaires, n'a pas été traduit dans les autres langues de la Communauté. Pour cette raison, il n'existe qu'en français et en anglais.

Pour la traduction de la préface dans les autres langues communautaires, prière de se référer aux pages I à VII.

Accordo sui controlli da parte dello Stato di approdo

Dal numero 8 della serie del maggio 1978 abbiamo ristampato il testo dell' "Accordo fra varie autorità marittime riguardante il rispetto delle norme tecniche sui mercantili", affinché il testo integrale di questo accordo concluso il 2 marzo 1978 al di fuori delle Istituzioni comunitarie e a livello amministrativo sia messo a disposizione della discussione all'interno delle Istituzioni della Comunità. La stessa intenzione ci induce adesso a riportare il testo dell' "Accordo sui controlli da parte dello Stato di approdo" del 26 gennaio 1982. Sebbene la Commissione della CE abbia presentato una proposta in materia dal titolo "proposta di direttiva del Consiglio relativa all'applicazione, per quanto riguarda le navi che utilizzano i porti della Comunità, di norme internazionali per la sicurezza dei trasporti marittimi e la prevenzione dell'inquinamento" (COM (80) 360 def. del 26 giugno 1980), della quale il Parlamento europeo ha salutato la presentazione pur chiedendo un profondo riesame del testo della proposta (relazione Carossino del 12 dicembre 1980, doc. 1-708/80, risoluzione del 16 gennaio 1981, G.U. C 28/81 del 9/2/1981), e sebbene il Consiglio della CE nella riunione del 15 dicembre 1981 abbia approvato una risoluzione su tale questione (come di solito non pubblicata se non come "comunicazione alla stampa", 11770/81 Stampa 169), la questione è stata regolata al di fuori delle Istituzioni comunitarie con la "seconda conferenza regionale dei ministri" tenutasi a Parigi nel gennaio 1982 (la prima conferenza regionale dei ministri sulla sicurezza dei trasporti marittimi aveva avuto luogo il 1° e 2 dicembre 1980). A questa normativa sono interessati 14 paesi europei con la partecipazione della Commissione della CE. Non sembra essere più previsto il recepimento nel diritto comunitario.

Le versioni francese e inglese del testo del Memorandum fanno ugualmente fede.

Non è stata effettuata una traduzione nelle altre lingue della Comunità, dato che il Memorandum non è stato stilato nel quadro istituzionale della Comunità. Il documento è pertanto disponibile soltanto in francese ed in inglese.

Per la traduzione della premessa nelle altre lingue della Comunità vedere pagine da I a VII.

Memorandum van overeenstemming betreffende de controle van schepen door havenstaten

In nummer 8 van deze serie van mei 1978 hebben wij de tekst van de "Overeenkomst tussen verschillende zeevaartinstanties over de naleving van de technische voorschriften op handelsschepen" afgedrukt, zodat de letterlijke tekst van deze, op 2 maart 1978 buiten de instellingen van de Gemeenschap op bestuursniveau gesloten overeenkomst in de discussie in de communautaire instellingen kan worden gebruikt. Hetzelfde geldt thans voor de tekst van het "Memorandum van overeenstemming betreffende de controle van schepen door havenstaten" van 26 januari 1982. Hoewel de Commissie een desbetreffend voorstel heeft ingediend: "Voorstel voor een richtlijn van de Raad betreffende het doen naleven, ten aanzien van schepen die de havens van de Gemeenschap aandoen, van internationale normen inzake de veiligheid van de scheepvaart en de voorkoming van verontreiniging" (doc. COM(80) 360 def. van 26 juni 1980), dat door het Parlement werd toegejuicht, zij het dat het Parlement een grondige herziening van de ontwerp-tekst verlangde (verslag-Carossino van 12 december 1980, doc. 1-708/80, resolutie van 16 januari 1981, PB. nr. C 28/81 van 9.2.1981) en hoewel de Raad op 15 december 1981 een desbetreffende resolutie aannam (zoals gebruikelijk niet gepubliceerd, behalve als "perscommuniqué", 11770/81 pers 169), werd de kwestie buiten de instellingen van de Gemeenschap door de "Tweede regionale ministersconferentie" te Parijs (januari 1982; de eerste regionale ministersconferentie over de veiligheid van de zeevaart vond op 1 en 2 december 1980 plaats) geregeld. Veertien Europese landen maken deel uit van deze regeling en de Commissie heeft hieraan meegewerkt. Het is kenmerkend niet langer de bedoeling dat deze regeling in gemeenschapsrecht wordt omgezet.

De Engelse en Franse versies van de tekst van het Memorandum zijn beide authentiek.

Er bestaat geen vertaling van dit Memorandum in de andere talen van de Gemeenschap, daar het buiten het kader van de Gemeenschap is opgesteld. Dit document bestaat derhalve alleen in het Engels en het Frans.

Voor de vertaling van het voorwoord in de andere talen van de Gemeenschap: zie bladzijde I tot VI.



MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

The Maritime Authorities of

Belgium

Denmark

Finland

France

Germany (Federal Republic of)

Greece

Ireland

Italy

Netherlands

Norway

Portugal

Spain

Sweden

United Kingdom of Great Britain and Northern Ireland

hereinafter referred to as "the Authorities"

RECALLING the Final Declaration adopted on 2 December 1980 by the Regional European Conference on Maritime Safety which underlined the need to increase maritime safety and the protection of the marine environment and the importance of improving living and working conditions on board ship ;

NOTING with appreciation the progress achieved in these fields by the Intergovernmental Maritime Consultative Organization and the International Labour Organization ;

NOTING also the contribution of the European Economic Community towards meeting the above mentioned objectives ;

MINDFUL that the principal responsibility for the effective application of standards laid down in international instruments rests upon the authorities of the State whose flag a ship is entitled to fly ;

RECOGNIZING nevertheless that effective action by port States is required to prevent the operation of substandard ships ;

RECOGNIZING ALSO the need to avoid distorting competition between ports ;

CONVINCED of the necessity, for these purposes, of an improved and harmonized system of port state control and of strengthening cooperation and the exchange of information

HAVE REACHED THE FOLLOWING UNDERSTANDING :

#### Section 1 Commitments

1.1. Each Authority will give effect to the provisions of the present Memorandum and the Annexes thereto, which constitute an integral part of the Memorandum.

1.2. Each Authority will maintain an effective system of port state control with a view to ensuring that, without discrimination as to flag, foreign merchant ships visiting the ports of its State comply with the standards laid down in the relevant instruments as defined in section 2.

1.3. Each Authority will achieve, within a period of 3 years from the coming into effect of the Memorandum, an annual total of inspections corresponding to 25% of the estimated number of individual foreign merchant ships, hereinafter referred to as "ships", which entered the ports of its State during a recent representative period of 12 months.

1.4. Each Authority will consult, cooperate and exchange information with the other Authorities in order to further the aims of the Memorandum.

## Section 2 Relevant instruments

2.1. For the purposes of the Memorandum "relevant instruments" are the following instruments :

- the International Convention on Load Lines, 1966 ;
- the International Convention for the Safety of Life at Sea, 1974 ;
- the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 ;
- the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto ;
- the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 ;
- the Convention on the International Regulations for Preventing Collisions at Sea, 1972 ;
- the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention 147).

2.2. With respect to the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention 147), each Authority will apply the standards specified in Annex I.

2.3. Each Authority will apply those relevant instruments which are in force and to which its State is a Party. In the case of amendments to a relevant instrument each Authority will apply those amendments which are in force and which its State has accepted. An instrument so amended will then be deemed to be the "relevant instrument" for that Authority.

2.4. In applying a relevant instrument for the purposes of port state control, the Authorities will ensure that no more favourable treatment is given to ships entitled to fly the flag of a State which is not a Party to that instrument.

2.5. In the case of ships below 500 tons gross tonnage the Authorities will apply those requirements of the relevant instruments which are applicable and will to the extent that a relevant instrument does not apply take such action as may be necessary to ensure that those ships are not clearly hazardous to safety, health or the environment, having regard in particular to Annex I.

### Section 3 Inspection Procedures, Rectification and Detention

3.1. In fulfilling their commitments the Authorities will carry out inspections, which will consist of a visit on board a ship in order to check the certificates and documents relevant for the purposes of the Memorandum. In the absence of valid certificates or documents or if there are clear grounds for believing that the ship does not substantially meet the requirements of a relevant instrument, a more detailed inspection will be carried out. Inspections will be carried out in accordance with Annex I.

3.2. The Authorities will regard as "clear grounds" inter alia the following :

- a report or notification by another Authority ;
- a report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Authority concerned deems the report or complaint to be manifestly unfounded ;
- other indications of serious deficiencies, having regard in particular to Annex I.

3.3. In selecting ships for inspection, the Authorities will pay special attention to :

- a/ - ships which may present a special hazard, for instance oil tankers and gas and chemical carriers ;
- b/ - ships which have had several recent deficiencies.

3.4. The Authorities will seek to avoid inspecting ships which have been inspected by any of the other Authorities within the previous six months, unless they have clear grounds for inspection.

3.5. Inspections will be carried out by properly qualified persons authorized for that purpose by the Authority concerned and acting under its responsibility.

3.6. Each Authority will endeavour to secure the rectification of deficiencies detected.

3.7. In the case of deficiencies which are clearly hazardous to safety, health or the environment, the Authority will, except as provided in 3.8., ensure that the hazard is removed before the ship is allowed to proceed to sea and for this purpose will take appropriate action, which may include detention. The Authority will, as soon as possible, notify the flag State through its consul or, in his absence, its nearest diplomatic representative or its maritime authority of the action taken. Where the certifying authority is an organization other than a maritime administration, the former will also be advised.

3.8. Where deficiencies referred to in 3.7. cannot be remedied in the port of inspection, the Authority may allow the ship to proceed to another port, subject to any appropriate conditions determined by that Authority with a view to ensuring that the ship can so proceed without unreasonable danger to safety, health or the environment. In such circumstances the Authority will notify the competent authority of the region State where the next port of call of the ship is situated, the parties mentioned in 3.7. and any other authority as appropriate. Notification to Authorities will be made in accordance with Annex 2. The Authority receiving such notification will inform the notifying Authority of action taken.

3.9. The provisions of sections 3.7. and 3.8. are without prejudice to the requirements of relevant instruments or procedures established by international organizations concerning notification and reporting procedures related to port state control.

3.10. The Authorities will ensure that, on the conclusion of an inspection, the master of the ship is provided with a document, in the form specified in Annex 3, giving the results of the inspection and details of any action taken.

3.11. When exercising control under the Memorandum, the Authorities will make all possible efforts to avoid unduly detaining or delaying a ship. Nothing in the Memorandum affects rights created by provisions of relevant instruments relating to compensation for undue detention or delay.

#### Section 4 Provision of information

Each Authority will report on its inspections under the Memorandum and their results, in accordance with the procedures specified in Annex 4.

#### Section 5 Operational Violations

The Authorities will upon the request of another Authority, endeavour to secure evidence relating to suspected violations of the requirements on operational matters of Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, relating thereto. In case of suspected violations involving the discharge of harmful substances, an Authority will, upon the request of another Authority, visit in port the ship suspected of such a violation in order to obtain information and where appropriate to take a sample of any alleged pollutant.

## Section 6 Organization

6.1. A Committee will be established, composed of a representative of each of the Authorities and of the Commission of the European Communities. An observer from each of the Intergovernmental Maritime Consultative Organization and the International Labour Organization will be invited to participate in the work of the Committee.

6.2. The Committee will meet once a year and at such other times as it may decide.

6.3. The Committee will :

- carry out the specific tasks assigned to it under the Memorandum ;
- promote by all means necessary, including seminars for surveyors, the harmonization of procedures and practices relating to inspection, rectification, detention and the application of 2.4. ;
- develop and review guidelines for carrying out inspections under the Memorandum ;
- develop and review procedures for the exchange of information ;
- keep under review other matters relating to the operation and the effectiveness of the Memorandum.

6.4. A secretariat provided by the Netherlands' Ministry of Transport and Public Works will be set up and will have its office in The Hague.

6.5. The secretariat, acting under the guidance of the Committee and within the limits of the resources made available to it, will :

- prepare meetings, circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions ;
- facilitate the exchange of information, carry out the procedures outlined in Annex 4 and prepare reports as may be necessary for the purposes of the Memorandum ;
- carry out such other work as may be necessary to ensure the effective operation of the Memorandum.

### Section 7 Amendments

7.1. Any Authority may propose amendments to the Memorandum.

7.2. In the case of proposed amendments to sections of the Memorandum the following procedure will apply :

- a/ - the proposed amendment will be submitted through the secretariat for consideration by the Committee ;
- b/ - amendments will be adopted by a two-thirds majority of the representatives of the Authorities present and voting in the Committee. If so adopted an amendment will be communicated by the secretariat to the Authorities for acceptance ;
- c/ - an amendment will be deemed to have been accepted either at the end of a period of six months after adoption by the representatives of the Authorities in the Committee or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee at the time of adoption, unless within the relevant period an objection is communicated to the secretariat by an Authority ;
- d/ - an amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee.

7.3. In the case of proposed amendments to Annexes of the Memorandum the following procedure will apply :

- a/ - the proposed amendment will be submitted through the secretariat for consideration by the Authorities ;
- b/ - the amendment will be deemed to have been accepted at the end of a period of three months from the date on which it has been communicated by the secretariat unless an Authority requests in writing that the



amendment should be considered by the Committee. In the latter case the procedure specified in 7.2. will apply ;

c/ - the amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the Authorities.

### Section 8

8.1. The Memorandum is without prejudice to rights and obligations under any international Agreement.

8.2. A Maritime Authority of another State may, with the consent of the Authorities participating in the Memorandum, adhere to the Memorandum. For such an Authority the Memorandum will take effect upon such date as may be mutually agreed.

8.3. When the Memorandum takes effect, it will supersede the "Memorandum of Understanding between Certain Maritime Authorities on the Maintenance of Standards on Merchant Ships", signed at The Hague on 2 March 1978.

8.4. The Memorandum will take effect on 1 July 1982.

8.5. The English and French versions of the text of the Memorandum are equally authentic.

Signed at PARIS in the English and French languages,

this twenty-sixth day of January one thousand nine hundred and eighty-two

(Signatures)

## A N N E X E S

TO THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL.

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ANNEX 1            GUIDELINES FOR SURVEYORS.

ANNEX 2            TELEX FORM.

ANNEX 3            REPORT ON INSPECTION.

ANNEX 4            INFORMATION SYSTEM ON INSPECTIONS.

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## ANNEX 1

### GUIDELINES FOR SURVEYORS

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#### Contents

#### SECTION 1 - GENERAL.

- 1.1 Guidelines to be observed in the inspection of foreign ships.
- 1.2 Principles governing rectification of deficiencies or detention of a ship.
- 1.3 Application of the clause of "no more favourable treatment".

#### SECTION 2 - THE SAFETY OF THE SHIP AS RELATED TO THE 1974 SOLAS CONVENTION AND 1978 PROTOCOL, THE 1966 LOAD LINES CONVENTION AND THE 1972 CONVENTION FOR PREVENTING COLLISIONS AT SEA.

- 2.1 More detailed inspection.

#### SECTION 3 - MINIMUM MANNING STANDARDS AND CERTIFICATION.

- 3.1 Introduction.
- 3.2 Manning control.
- 3.3 Certification control.
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#### SECTION 4 - ACCIDENT PREVENTION, HEALTH AND HYGIENE.

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- 4.3 Medical examination.
- 4.4 Food and catering.
- 4.5 Crew accommodation.
- 4.6 Accident prevention and occupational health.

#### SECTION 5 - SHIPS BELOW 500 TONS GROSS TONNAGE.

#### SECTION 6 - POLLUTION PREVENTION.

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1 - GENERAL

1.1 Guidelines to be observed in the inspection of foreign ships.

The guidelines mentioned in Section 3.1 of the Memorandum refer to :

- Procedures for the Control of Ships (IMCO Res. A. 466 (XII))
- Principles of Safe Manning (IMCO Res. A. 481 (XII) and Annexes which are Contents of Minimum Safe Manning Document (Annex 1) and Guidelines for the Application of Principles of Safe Manning (Annex 2).
- The procedures laid down in this Annex to the Memorandum.

1.2 Principles governing rectification of deficiencies or detention of a ship.

In taking a decision concerning the rectification of a deficiency or detention of a ship, the surveyor shall take into consideration the results of the detailed inspection carried out in accordance with Section 3.

The surveyor shall exercise his professional judgement in determining whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies without unreasonable danger to the safety, health, or the environment, having regard to the particular circumstances of the intended voyage. As regards minimum manning standards, accidents prevention and occupational health, special procedures shall be observed set out in paragraphs 3 and 4 of this Annex.

1.3 Application of the clause of "no more favourable treatment".

In applying Section 2.4 the following shall be observed.

Ships entitled to fly the flag of a State which is not a party to a relevant Instrument listed in Section 2 and thus not provided with certificates representing prima facie evidence of satisfactory conditions on board, shall receive a detailed inspection. In making such an inspection the surveyor should follow the same guidelines as provided for ships to which the relevant instruments are applicable.

The conditions of and on such a ship and its equipment and the certification of the crew, its number and composition shall be compatible with the aims of the provisions of a relevant instrument ; otherwise the ship shall be subject to such restrictions as are necessary to obtain a comparable level of safety.

## 2 - THE SAFETY OF THE SHIP AS RELATED TO THE 1974 SOLAS CONVENTION AND 1978 PROTOCOL, THE 1966 LOAD LINES CONVENTION AND THE 1972 CONVENTION FOR PREVENTING COLLISIONS AT SEA.

### 2.1 More Detailed inspection.

In so far as there are clear grounds for a more detailed inspection relating to the provisions of the SOLAS Convention, the Protocol thereto, the Load Lines Convention and the Convention on Collision Regulations the surveyor when carrying out this inspection shall take into account the considerations given in the " Procedures for the Control of Ships" (IMCO Res. A. 466 (XII)).

## 3 - MINIMUM MANNING STANDARDS AND CERTIFICATION.

### 3.1 Introduction

The guiding principle for port state inspection of the manning of a foreign ship should be to establish conformity with the flag State's safe manning requirements. Where this is in doubt the flag State should be consulted. Such safe manning requirements stem from :

- the International Convention for Safety of Life at Sea (SOLAS) 1974.
- the Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention 147) which inter alia refers to the ILO Convention N° 53 Article 3 and 4.
- the International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW) 1978.
- the Contents of Minimum Safe Manning Document (IMCO Res. A. 481 (XII), Annex 1).
- the Guidelines for the Application of Principles of Safe Manning (IMCO Res. A. 481 (XII), Annex 2).

It should be noted that when the STCW Convention comes into force the following guidelines may require revision.

Detention as port State action shall only be taken on the grounds laid down in the relevant instruments and used in conjunction with advice from the flag State. Where such response is not readily forthcoming, and the extent of the manning deficiency is such as to render the ship clearly unsafe for the intended voyage or service, detention may be only resort.

### 3.2 Manning control.

3.2.1 If a ship carries a safe manning document issued by the flag State and is manned in accordance with it, the surveyor should accept that the ship is safely manned unless the document has clearly been issued without regard to the principles contained in the IMCO Guidelines for the Application of Principles of Safe Manning. In this last case, the surveyor should act according to the procedures defined in paragraph 3.2.3.

3.2.2 If the actual crew number or composition does not conform to the manning document, the port State should request the flag State for advice whether or not the ship can sail with the actual number of crew and its composition. Such request should be made as quickly as possible. The reply if any, from the flag State should be confirmed by telex. If the actual crew number and composition is not brought into accordance with the safe manning document or the flag State does not advise that the ship could sail, the ship may be considered for detention after the criteria set out in paragraph 3.4 of this Annex have been taken into proper account.

3.2.3 If the ship does not carry a safe manning document issued by the flag State and if the surveyor is not satisfied in his professional judgement that the ship is safely manned taking into account inter alia, the principles contained in the IMCO Guidelines for the Application of Principles of Safe Manning, the port State will notify the flag State and will request that State to define the necessary crew number and composition for the ship applying the principles contained in the IMCO Guidelines.

If the flag State does not respond with a manning standard for the particular ship the port State will examine the composition and number of the crew, taking into account the principles contained in the IMCO Guidelines, and the ship shall only be allowed to proceed if it is considered safe to do so, taking into account the criteria for detention under paragraph. 3.4. In any such case the minimum standards to be applied shall be no more stringent than those applied to ships flying the flag of the port State.

### 3.3 Certification control.

3.3.1 Certificates of competency or dispensations shall be accepted as valid unless there is reason to believe that the holder of a certificate is not the authorised bearer or in a case of manifest fraud.

3.3.2 If the master, the chief engineer officer or the chief mate do not hold appropriate certificates the ship may be detained. The port State shall request the flag State to issue an authorisation for the ship to sail. If such an authorisation is not given and the deficiency is not rectified the ship shall be detained.

3.3.3 When the deficiency concerns the absence of appropriate documents relating to the qualification of any other officer in charge of navigational and engineering watches, the port State shall notify the flag State. Detention should not be considered unless the extent of the deficiency is such as to render the ship unsafe.

3.3.4 For the purpose of certification control of the Radio officer or the Radiotelephone operator reference is made to "Procedure for the control of ships" (IMCO Res. A. 466 (XII)).

3.3.5 Certification control upon ships engaged in the carriage of liquid hazardous cargo in bulk should be more stringent. The surveyor should satisfy himself that the officers responsible for cargo handling and operation possess documentary evidence of having had the appropriate training and experience.

No exemption from the carriage of such documentary evidence should be accepted. Where a deficiency is found the master should be informed and the deficiency rectified.

With regard to appropriate training reference is made to Resolutions 10, 11 and 12 adopted by the International Conference on Training and Certification of Seafarers 1978 and the relevant sections the Bulk Chemical Code and the Gas Carrier Code.

### 3.4 Détention.

Before detaining a ship under paragraphs 3.2 or 3.3 of this Annex, the following circumstances should be considered :

- length and nature of the intended voyage or service.
- whether or not the deficiency poses a danger to ship, persons on board or the environment.
- whether or not appropriate rest periods of the crew can be observed.
- size and type of ship and equipment provided.
- nature of cargo.

The absence of a Deck or Engineer Officer required to be certificated should not be grounds for detention where the absence is in accordance with any exceptional provisions approved by the flag State.

## 4 - ACCIDENT PREVENTION, HEALTH AND HYGIENE.

### 4.1 Introduction

Inspections on board ships under the Merchant Shipping (Minimum Standard Convention, 1976 (ILO Convention 147)) shall be carried out regarding :

- a. minimum age.
- b. medical examination.
- c. certificates of competency.
- d. food and catering.
- e. crew accommodation.
- f. prevention of occupational accidents.



Inspection regarding Certificates of competency is dealt with in paragraph 3 of this Annex.

In the exercise of control functions the surveyor, in the light of his general impression of the ship, will have to use his professional judgement to decide whether the ship shall receive a more detailed inspection. All complaints regarding conditions on board should be investigated thoroughly and action taken as deemed necessary by the circumstances.

He shall also use his professional judgement to determine whether the conditions on board give rise to a hazard to the safety or health of the crew which necessitates the rectification of conditions, and may if necessary detain the ship until the appropriate corrective action is taken.

When a ship receives a more detailed inspection it should be ensured that the conditions on board the ship are in substantial conformity with the following principles :

#### 4.2 Minimum age.

4.2.1 Children under the age of fourteen shall not be employed or work on a ship.

4.2.2 If a child under the age of fourteen years is found to be on board a ship the surveyor, when in doubt, may require proof that the child concerned is not a member of the crew.

4.2.3. The provisions of paragraphs 4.2.1 and 4.2.2 do not apply to employment of or work done by children.

- a. on a ship on which only members of the same family are employed.
- b. on a school ship or training ship, provided that the master of the ship can submit documents issued by the flag State, to the effect that the employments or work is approved and supervised by public authority, and that the ship is solely in use for training purposes.

4.2.4 Remarks. The surveyor may need to check that the crew list, the articles of agreement or a similar document does not indicate any person under the age of 14 years.

#### 4.3. Medical examination.

4.3.1. A person who is employed in any capacity on board a ship not treated by the flag State as a small ship shall hold a medical certificate, signed by a person authorized by the competent authority of the flag State to issue such certificates.

4.3.2. A medical certificate is not required for :

- a. a pilot (not being a member of the crew) ;
- b. persons employed on board by an employer other than the master or the shipowner, except radio officers or operators in the service of a wireless telegraphy company ;
- c. travelling dockers (longshoremen), not being members of the crew ;
- d. persons employed in ports who are not ordinarily employed at sea.

4.3.3. The medical certificate shall attest in particular that the person concerned is not suffering from any disease likely to be aggravated by, or to render him unfit for service at sea or likely to endanger the health of other persons on board.

The medical certificate shall attest that the person concerned is fit by reason of hearing, sight and general health for the work for which he is to be employed at sea. In addition the medical certificate of any person to be employed on deck watchkeeping duties shall attest that his colour vision is satisfactory.

4.3.4. The medical certificate shall not be older than two years or, as regards colour vision, not older than six years as from the date of issue.

#### 4.3.5. Remarks.

The surveyor may adopt the following procedure as a guide :

1. The medical certificates on board should be compared with the crew list to verify the possession of the required certificate by each seafarer concerned.
2. The medical certificates should be examined to verify the period of validity.

3. Confirmation should be made that medical certificates include an attestation to satisfactory hearing and sight and also to satisfactory colour vision for the seafarers requiring this qualification.

4. If there are no medical certificates on board, it should be determined whether there is any other evidence of complying with the medical examination requirements.

#### 4.4 Food and catering.

4.4.1 Any ship shall have on board food and water supplies which, having regard to the size of the crew and the duration and the nature of the voyage, are suitable in respect of quantity and quality.

4.4.2 All spaces and equipment for the storage and handling of food and water, and the galley and other equipment for the preparation and service of meals, shall be maintained in such a manner as to permit the service of proper meals to the members of the crew.

4.4.3 The ventilation, lighting, water system, and other equipment of galleys and other catering department spaces on board, including store rooms and refrigerated chambers, shall be maintained in such a manner as to ensure the health and safety of the members of the crew.

#### 4.4.4 Remarks.

The surveyor may adopt the following procedure as a guide :

1. If available, the recorded results of periodic inspections of the catering department should be noted as a means of acquiring a general impression of the over-all standards regularly maintained and any previous need for improvements.

2. A visual observation should be made of the general arrangement and cleanliness of food stores, galleys, mess rooms and other catering department spaces on board, including measures taken to prevent contamination of food and the procedures for waste disposal.

3. The operation and standard of maintenance of ventilation, heating, lighting and water-systems ; galley and mess room equipment ; refrigerated chambers and other equipment ; fittings and apparatus of the catering department, should be checked for indications of malfunction.

#### 4.5 Crew accomodation.

4.5.1 Except as otherwise provided all ships, of 200 gross register tons and over, not being tugs, shall comply with the standards set in paragraphs 4.5.2 to 4.5.16.

4.5.2 Crew accomodation shall be maintained in a clean and decently habitable condition and shall be kept free of goods and stores not being the personal property of the occupants.

4.5.3 Main steam and exhaust pipes for winches and similar gear shall not pass through crew accommodation nor, whenever technically possible, through alley-ways leading to crew accommodation; where they do pass through such alley-ways they shall be adequately insulated and encased.

4.5.4 The crew accommodation shall be provided with sufficient drainage.

4.5.5 An adequate system of heating and ventilating the crew accommodation shall be provided. The heating shall be by means of steam, hot water, warm air or electricity.

Radiators and other heating apparatus shall be so placed and, where necessary, shielded as to avoid danger.

4.5.6 The crew accommodation shall be adequately lighted.

4.5.7 The means of access, structure and arrangements of the crew accommodation shall be such as to ensure adequate security and protection against weather and sea, and shall be adequately insulated to prevent condensation or overheating, undue noise or effluvia from other spaces.

4.5.8 There shall be no direct openings into sleeping rooms from spaces for cargo and machinery or from galleys, lamp and paint rooms or from engine, deck and other bulk storerooms and drying rooms.

Bulkheads separating such places from sleeping rooms shall be efficiently constructed and shall be watertight and as gastight as appropriate.

4.5.9 1. Each sleeping room shall be provided with a table or desk, and for each of its occupants a clothes locker and a drawer.

2. The clear head room in a sleeping room shall not be less than 6 ft. 3 ins. (190 cm.).

4.5.10 1. Members of the crew shall be provided with individual berths.

2. Berths shall not be placed side by side in such a way that access to one berth can be obtained only over another.

3. The minimum inside dimensions of a berth shall be 6 ft. 3 ins. by 2 ft. 3 ins. (190 cm. by 68 cm.).

4. Each berth shall be fitted with a spring bottom or a spring mattress and with a mattress. Stuffing of straw or other material likely to harbour vermin shall not be used.

4.5.11 There shall be at least the following sanitary facilities :

1. one tub and/or shower bath for every eight persons or less ;
2. one water closet for every eight persons or less ;
3. one wash basin for every six persons or less ;

In ships where the radio officers or operators are accommodated in an isolated position, sanitary facilities near or adjacent thereto shall be provided.

4.5.12 Sanitary accommodation shall comply with the following requirements:

1. floors shall be of durable material, easily to be cleaned and impervious to damp, and shall be properly drained ;
2. the accommodation shall be sufficiently lighted, heated and ventilated ;
3. water closets shall be situated convenient to, but separated from, sleeping rooms ;
4. cold fresh water and hot fresh water shall be available in all communal wash places.

4.5.13 1. All water closets shall have ventilation to the open air, independently of any other part of the crew accommodation.

2. All water closets shall be provided with an ample flush of water, available at all times and independently controllable.

3. Soil pipes and waste pipes shall be of adequate dimensions and shall be so constructed as to minimise the risk of obstruction and to facilitate cleaning.

4.5.14 There shall be mess room accommodation located apart from the sleeping rooms and as close as practicable to the galley.

4.5.15 In every ship which does not carry a doctor an adequate medicine chest with readily understandable instructions shall be carried.

4.5.16 Sufficiently and adequately ventilated accommodation for the hanging of oilskins shall be provided outside but convenient to the sleeping rooms.

4.5.17 Ships of 500 gross register tons and over, not being tugs, shall be provided with facilities for washing and drying of clothes in a compartment separate from sleeping rooms and mess rooms, adequately ventilated and heated and equipped with lines or other fitting for hanging clothes.

4.5.18 On ships of 500 gross register tons and over, not being tugs, carrying a crew of fifteen or more and engaged in a voyage of more than three days' duration, not being a coastal voyage, separate hospital accommodation shall be provided.

Water closet accommodation shall be provided for the exclusive use of the occupants of the hospital accommodation or in close proximity thereto.

#### 4.5.19 Remarks.

The surveyor may adopt the following procedure as a guide :

1. If available, the recorded results of weekly inspections of crew accommodation carried out by ships' personnel should be examined as a means of acquiring a general impression of the over-all standards regularly maintained and any previous notations of deficiencies.

2. Crew accommodation should be visually inspected to obtain an impression of its existing condition and the standard of maintenance. Special attention should be given to heating , ventilation and lighting systems ; communal water closets and washing facilities ; the condition of fittings and appurtenances, and rodent and vermin control. Items previously noted at one time or another as deficient, or subjects of complaints from the crew, should also be given particular attention. The impracticability and difficulty of ships between 200 and 500 gross registered tons complying fully with certain of the aforementioned standards should be borne in mind.

#### 4.6 Accident prevention and occupational health.

##### 4.6.1 Introduction.

For the purpose of port state control the surveyor should have regard to the following safety standards where a detailed inspection appears to be justified.

##### 4.6.2 Basic requirements.

4.6.2.1 On and below deck the following safety measures shall be observed :

1. A safe means of access should be provided. Wherever possible this should be by means of an accommodation ladder or gangway with side rails and adequately secured. The means of access should have satisfactory illumination throughout its length during the hours of darkness.

2. Decks, holds and hold accesses where people are to work or pass shall have adequate lighting and shall as far as reasonably practicable be kept clear and free from objects which may cause slipping or falling. Permanent obstructions shall be painted in a conspicuous colour.

3. Electrical equipment shall be so protected and maintained as to prevent danger to people on board.

4. All places on board where people have to work or pass shall be adequately ventilated and lighted.

5. There shall be at least one fixed ladder for access to holds or similar parts of the ship with a depth of more than 1,5 Metres.

Approaches to such ladders shall be of reasonable width for access and not obstructed. Where a hold is divided by shifting boards or permanent bulkheads at least one fixed ladder shall be provided on each side of the boards or bulkhead.

6. The rails or fencing in way of hatchways or other openings and the deckrail shall be of safe construction and strength. Maintenance of hatch covers and beams shall be in good state of repair with means for securing them in a safe manner.

7. There shall be guards or fencing around dangerous parts of machinery to prevent injury to personnel. There shall be instructions on first aid resuscitation in the vicinity of switchboards.

8. Steam pipes, exhaust pipes and fittings which by their location and temperature present a hazard, shall be adequately insulated or otherwise protected.

9. There shall be on board means for determining the presence of harmful or noxious gases or a deficiency of oxygen in any tank or compartment which it may be necessary to enter.

This requirement applies to dry cargo ships or passenger-ships, only when prescribed by the flag State.

Warning notices shall be fixed in danger areas.

4.6.2.2 The loading and unloading equipment shall be in good condition.

There shall be on board certificates stating to the fact that regular inspections and tests of the loading and unloading equipment have been carried out by and to the satisfaction of a competent authority.

Safe working loads shall be clearly indicated on the loading and unloading equipment.

4.6.2.3 In holds open or naked lights shall not be used.

Portable lights shall be adequately protected to prevent breakage of the bulbs or their coming into contact with combustible material.

4.6.2.4 If members of the crew are required to handle consignments containing dangerous substances they shall be warned of the nature of the substances and of any special precautions to be observed.



4.6.2.5 1. There shall be on board equipment for the personal protection of the crew such as goggles or facial shields for eye protection, helmets, gloves, coveralls, safety boots, ear protectors against high noise levels, dust respirators, breathing apparatus and safety harness and lines.

2. Where cargoes presenting a special risk or dangerous goods are carried additional protective clothing shall be available, including a sufficient number of large aprons, special gloves with long cuffs, suitable footwear and coveralls of chemical resistant material.

3. All equipment for the personal protection of the crew shall be clean and properly maintained, and shall be stored in a special locker or room on board unless on permanent personal issue.

4. Adequate instructions for the use of the personal protection equipment shall be available on board the ship.

#### 4.6.3 Remarks.

Where a detailed investigation appears to be justified the following should be taken into account :

1. Safety of Working areas ;
2. Safe means of access to the ship and any place on board where personnel are required to pass ;
3. Personal protective equipment and clothing reasonably required where adequate protection against risk of accident or injury can not be ensured by other means ;
4. Means for detecting the presence of harmful or noxious gases or an oxygen deficiency and the malfunctioning of such instruments ; concerning dry cargo ships and passenger ships, only if required by the flag State ;
5. The condition of ropes, wires, chains, etc. used for loadbearing purposes ;
6. Damages or defects as well as malfunctioning and inoperation of any machinery or equipment or instrumentation, special attention being paid to winches, windlasses, anchors, cables, chains and mooring arrangements ;
7. The marking of the safe working load on equipment required to be so marked ;

8. Rails and/or fencing around deck openings and machinery or equipment presenting a hazard to seamen ;

9. Adequate lighting of decks, holds, etc ;

10. Where dangerous goods are being carried, the provision to crew members of adequate information and precautionary instructions ;

11. The provision of first-aid facilities on board, including means for evacuating of injured persons and instructions on first-aid resuscitation in the vicinity of electrical switchboards.

Where it appears necessary and when the circumstances during the inspection make it possible the surveyor may also take safe working practices into consideration i.e. the use of personal equipment and procedures for entry into dangerous closed spaces.

If the surveyor considers that there are serious deficiencies in any of these respects, he should first ask the safety officer appointed in accordance with the Prevention of Accidents (Seafarers) Convention, 1970 (ILO Convention N° 134) and/or the master to show him any flag State regulations or codes of practice relevant to the deficiency. Any failure to comply with such flag State requirements or recommendations should be drawn to the attention of the flag State. If there appear to be no or inadequate, flag State provisions in regard to the serious potential accident risks, the omission should similarly be drawn to the attention of the flag State.

#### 4.6.4. Rectification.

If deficiencies or operational circumstances give rise to a serious hazard to the safety or health of persons on board, the surveyor shall take appropriate action to remove the hazard by requiring rectification of the deficiency or prohibiting continuation of the operation.

## 5 - SHIPS BELOW 500 TONS GROSS TONNAGE.

5.1 The following is a guide for the application of Section 2.5.

5.2 To the extent a relevant instrument is not applicable to a ship below 500 tons gross tonnage, the surveyor's task will be to assess whether the ship is of an acceptable standard in regard to safety, health or the environment. In making that assessment the surveyor shall take due account of such factors as the length and nature of the intended voyage or service, the size and type of the ship, the equipment provided and the nature of the cargo.

5.3 In the exercise of his functions under paragraph 5.2 the surveyor should be guided by any certificates and other documents issued by the flag State. The surveyor will, in the light of such certificates and documents and in his general impression of the ship, use his professional judgement in deciding whether and in what respects the ship shall receive a more detailed inspection, taking into account the factors mentioned in paragraph 5.2. When carrying out a more detailed inspection the surveyor shall, to the extent he deems necessary, pay attention to the items listed in paragraph 5.4. The list is not considered exhaustive but is intended to give an exemplification of relevant items.

### 5.4 Items of general importance.

#### 5.4.1 Items related to the conditions of assignment of Load Lines

- Weathertight (or watertight as the case may be) integrity of exposed decks ;
- Hatches and closing appliances ;
- Weathertight closures to openings in superstructures ;
- Freeing arrangements ;
- Side outlets ;
- Ventilators and air pipes ;
- Stability information.

5.4.2 Other items related to the Safety of Life at Sea :

- Life saving appliances ;
- Fire fighting appliances ;
- General structural conditions (i.e. hull, deck, hatch covers, etc.)
- Main machinery and electrical installations ;
- Navigational equipment including radio installations.

5.5 In the case of deficiencies which are considered hazardous to safety, health or the environment the surveyor shall take such action, which may include detention as may be necessary, having regard to the factors mentioned in paragraph 5.2, to ensure that the deficiency is rectified or that the ship, if allowed to proceed to another port, does not present a clear hazard to safety, health or the environment.

6 - POLLUTION PREVENTION.

Text to be developed at a later date taking into account future IMCO guidelines.

ANNEX 2

TELEX FORM

In case of deficiencies not fully rectified or only provisionally repaired,  
a telex shall be sent to the competent authority of the region State where  
the next port of call of the ship is situated.

The telex shall be drafted as follows :

---

DATE : .....  
FROM : COUNTRY ....., PORT .....  
TO : COUNTRY ....., PORT .....  
RE : deficiencies to be rectified  
NAME OF SHIP ....., TYPE OF SHIP .....  
FLAG OF SHIP ....., CALL SIGN .....  
GROSS TONNAGE ....., YEAR OF BUILD .....  
DEPARTED .....  
ESTIMATED PLACE AND TIME OF ARRIVAL .....  
NATURE OF DEFICIENCIES .....  
.....  
.....  
.....  
SUGGESTED ACTION .....  
.....  
.....  
  
SIGNED : .....  
.....

ANNEX 3

ISSUING COUNTRY : \_\_\_\_\_

REPORT ON INSPECTION IN ACCORDANCE WITH THE MEMORANDUM  
OF UNDERSTANDING ON PORT STATE CONTROL

\_\_\_\_\_

NAME OF SHIP .....	TYPE OF SHIP .....
FLAG OF SHIP .....	CALL SIGN .....
GROSS TONNAGE .....	YEAR OF BUILD .....
DATE AND PLACE OF INSPECTION ..... 19..	

NATURE OF DEFICIENCIES .....

.....

.....

ACTION TAKEN .....

.....

.....

PLACE .....	NAME AND SIGNATURE OF THE SURVEYOR
	AUTHORIZED BY THE MARITIME AUTHORITY
DATE ..... 19..	.....
	.....

## ANNEX 4

### INFORMATION SYSTEM ON INSPECTIONS

- 1 To assist Authorities in their selection of foreign flag ships to be inspected in their ports it is necessary to have at the disposal of Authorities up to date information on inspections of an individual foreign flag ship in, one of the other regional ports within the preceding six months.
- 2 For that purpose the Authorities shall send a daily message preferably by telex on all the ships inspected in the national ports to the "CENTRE ADMINISTRATIF DES AFFAIRES MARITIMES" in SAINT-MALO (C.A.A.M.).
- 3 The information set out in Annex 3 shall be sent in a standardized form (see Appendix) for each ship inspected.
- 4 The C.A.A.M. will organize the processing of information as in paragraph 3 above and will every second week send, in a microfiche form, an alphabetical list of ships inspected in the region in the previous period of six months to the Authorities concerned and to the Secretariat.
- 5 Information for administrative purposes, for instance statistical information, will be provided by the Secretariat under the guidance of the Committee. This will be based on information provided by the C.A.A.M.
- 6 The information system indicated in the foregoing paragraphs will be implemented on a provisional basis from the time that the Memorandum takes effect. Further studies to develop a final system will continue.
- 7 Whenever deficiencies are found, the port state Authority will send a copy of Annex 3 to the regional flag Administration concerned.

APPENDIX TO ANNEX 4

TELEX FORM FOR SHIPS INSPECTED

REPORT OF INSPECTION

- 1 - ISSUING COUNTRY
- 2 - NAME OF SHIP
- 3 - TYPE OF SHIP
- 4 - FLAG OF SHIP
- 5 - CALL SIGN
- 6 - GROSS TONNAGE
- 7 - YEAR OF BUILD
- 8 - DATE AND PLACE OF INSPECTION
- 9 - NATURE OF DEFICIENCIES<sup>\*</sup>
- 10 - ACTION TAKEN

<sup>\*</sup> including reference to the relevant Conventions if shown on the document left on board.



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<sup>(1)</sup> Épuisé — out of print — vergriffen.